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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/653,654	09/02/2003	George Smeja	78123 (7549)	3421
22242	7590	08/05/2005	EXAMINER	
FITCH EVEN TABIN AND FLANNERY 120 SOUTH LA SALLE STREET SUITE 1600 CHICAGO, IL 60603-3406			BALSIS, SHAY L	
			ART UNIT	PAPER NUMBER
			1744	

DATE MAILED: 08/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/653,654

Applicant(s)

SMEJA ET AL.

Examiner

Shay L. Balsis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 June 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-21 and 27-31 is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claim 22, 24-26 are rejected under 35 U.S.C. 102(b) as being anticipated by Bray (USPN 3434175).

Bray teaches a tool comprising an integral one-piece body (32) with a plurality of working surfaces (38, 40, 41, 42) on different portions of the body. There is a releasable retention portion of the body (28) for connection to the handle. There are angularly spaced turning portions (26) on the body. The body is made from stamped metal and the body comprises an upstanding post (21) for insertion into the handle. There is a plurality of teeth (26) on the body for cooperation with a handle device to turn the blade.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22, 24-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cinotti (USPN 3045271).

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Cinotti teaches a body (11, 16) comprising a plurality of working surfaces (figure 1 reference number 13 and figure 3 reference number 60). There is a retention portion (18) on the body for connection to the handle and angularly spaced turning portions (17) on the body. The body is made from stamped metal and there is an upstanding post (18) for insertion into the handle. Cinotti teaches all the essential elements of the claimed invention however fails to teach that the body is an integral one-piece body. It would have been obvious to one of ordinary skill in the art at the time the invention was to modify the body so that elements 11 and 16 were integral since making elements integral is a modification that has been considered to be within the level of ordinary skill in the art to follow. *In re Larson*, 144 USPQ 347, 349.

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bray (USPN 3434175) or Cinotti.

Bray or Cinotti disclose the claimed invention except for the body being made from a plastic material. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the body plastic, since it has been held within the general skill of a worker in the art to select a known material on the basis of its suitability for the intended use as a matter of obvious engineering choice. *In re Leshin*, 125 USPQ 416.

Allowable Subject Matter

Claims 1-21, 27-31 allowed.

The following is an examiner's statement of reasons for allowance:

Claim 1 includes the limitation of a turning mechanism in the body having a portion movable to force the tool to turn and reposition the tool about the turning axis. An actuator is movable to a first position to actuate the portion of the turning mechanism to force the tool to

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turn about the turning axis and movable to a second position to actuate the retention device for releasing the tool from the body.

Claims 3, 6, 16 and 31 teach a push button on the actuator, which is capable of being pushed with light pressure to turn the tool through a predetermined increment of turning, and capable of being pushed with greater pressure to cause a release of the tool from the body.

Claim 12 teaches a tool device comprising a retention member pivotally mounted within in the body, a turning mechanism on the tool device operable for engaging the tool and turning the tool through a predetermined increment and further an actuator for shifting the retention member to a tool release position to release the tool from the tool device.

Claim 27 teaches an actuator on the tool device with a first movement to turn the tool automatically through a predetermined increment about the turning axis. There is additionally an actuator on the handle to eject the tool with force from the tool device.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Response to Arguments

Applicant's arguments, see pages 13-17 filed 6/24/05, with respect to Claim 1, 12 and 27 have been fully considered and are persuasive. The rejections of claim 1, 12 and 27 have been withdrawn.

Applicant's arguments filed 6/24/05, with respect to claim 22 have been fully considered but they are not persuasive. Applicant states that there is no automatic turning of the mop head in

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Bray. The mop head of Bray is not turned but only the handle can be manually rotated. Claim 22 is directed toward the tool and not the tool device, therefore the tool of Bray comprises all the structural elements as claimed. The limitation that the turning portions are for cooperation with the turning mechanism of the handle to turn the body automatically is a function of the tool device and not the tool. The only structural limitation that is required by Bray for the above limitation would be the turning portions. The rest of the limitation is directed toward the function of the tool device and since the tool device is not positively recited, there is no patentable weight directed toward the automatic turning mechanism.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shay L. Balsis whose telephone number is 571-272-1268. The examiner can normally be reached on 7:30-5:00 M-Th, alternating F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Kim can be reached on 571-272-1142. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Slb
7/27/05



MARK SPISICH
PRIMARY EXAMINER
GROUP 3400

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